

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TONY OVIEDO ZELAYA,

Defendant.

CR-24-18-BU-DLC

FINDINGS AND
RECOMMENDATIONS
CONCERNING PLEA

The Defendant, by consent, has appeared before the undersigned pursuant to Fed. R. Crim. P. 11 and has entered a plea of guilty to the offense of illegal reentry in violation of 8 U.S.C. § 1326(a) and (b)(1), as set forth in the sole count of the Indictment. After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charge against him and consequences of pleading guilty to the charge,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and

4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offense charged.

Therefore, I recommend that the Defendant be adjudged guilty of the offense of illegal reentry in violation of 8 U.S.C. § 1326(a) and (b)(1), as set forth in the Indictment, and that sentence be imposed. A presentence report has been ordered.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the presentence report.

DATED this 29th day of August, 2024.



Kathleen L. DeSoto
United States Magistrate Judge